

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

Lynn Gary Smith

)

)

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Case No: 7:03-CR-93-1F

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USM No: 21511-056

Date of Original Judgment: 04/13/2004

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Date of Previous Amended Judgment: 10/02/2008

)

Thomas P. McNamara

(Use Date of Last Amended Judgment if Any)

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____

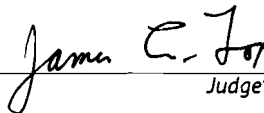
The defendant was sentenced at the statutory minimum and that minimum did not change as a result of the retroactive amendment. Therefore, the defendant is not eligible for a reduction in this case.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated April 13, 2004, and October 2, 2008 shall remain in effect. **IT IS SO ORDERED.**

Order Date: 11/19/12



Judge's signature

Effective Date: _____
(if different from order date)

James C. Fox, Senior U.S. District Judge
Printed name and title